

### REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-44 were pending in this application. In the Office Action:

- The restriction requirement was made final, wherein claims 1-14 and 22-44 were withdrawn from consideration.
- Claims 15-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,229,828 to Wiklund ("Wiklund").

In this Amendment, claims 45-57 have been added. Accordingly, upon entry of this Amendment, claims 15-21 and 45-57 will be pending.

The Examiner asserts that Wiklund discloses a remote unit associated with a multi-dimensional measuring system, a target in communication with a tracking unit, a probe assembly coupled to the target (with specific sub-features not considered further at the present), wherein the probe tip is configured to reach locations not within a line of sight between the tracking unit and the target. The Examiner, however, concedes that Wiklund does not disclose the feature of a target that is capable of pitch, yaw, and roll movements, as recited in claim 15 of this application. The Examiner also asserts that it would be obvious to modify the teachings of Wiklund with pitch, yaw, and roll movements to arrive at the invention recited in claim 15.

For the reasons set forth below, Applicants respectfully traverse the rejection of claims 15-21 as unpatentable over Wiklund under 35 U.S.C. § 103(a).

First, the element of "target" recited in claim 15 is not present in Wiklund. The Examiner points to a car in Figure 4 of Wiklund as a target. The car appears to be an object upon which

the remote unit (item A, Figure 4) performs operations. However, the target recited in claim 15 above is not an object operated on by a remote unit, but is *part* of a remote unit (“A remote unit associated with a multi-dimensional measuring system *comprising*: a target”).

Second, Wiklund does not teach the feature recited in claim 15, wherein a probe assembly is coupled to a target that is *part of* a remote unit. As mentioned above, the target recited in claim 15 is *part of* the remote unit. Even if one accepts that probe assembly 34 of Wiklund is coupled to a target (car), the car cannot be construed to be part of a remote unit.

Third, Wiklund does not teach a probe tip configured to reach locations not within a line of sight between the tracking unit and a target, as recited in claim 15. As disclosed in Figure 7 of the present invention, a line of site along item 110 exists between a target 150 and tracking unit 100. Probe tip 620 reaches *away* from the target to a circle 605 that is clearly not along the line of site 110 between the tracking unit 100 and target 150. Figure 4 of Wiklund discloses a probe tip 35 that appears to be *within* a line of site of tracking unit A and “target” car of Figure 4. Moreover, accepting the Examiner’s characterization of the car of Figure 4 as a target, the probe tip 34 reaches *toward* the target and *not away* from the target to a point outside of the line of site of the target and tracking unit, as recited in claim 15.

Moreover, the Examiner acknowledges that Wiklund fails to teach a target capable of pitch, yaw, and roll movements. As noted above, the Examiner assigns the “target” feature (as recited in claim 15) to the car of Figure 4 of Wiklund. Modification of the target of Wiklund with pitch, yaw, and roll movements would require providing pitch, yaw, and roll movements to a car in order to measure different points on the target. However, one of ordinary skill would recognize that providing a mechanical means to move a several ton object along different axes

would be very cumbersome. Thus, viewing the system disclosed in Wiklund as the Examiner does, wherein a relatively immovable car constitutes a target of a measurement system, it is fair to say that Wiklund teaches away from the present invention as recited in claim 15, wherein one of ordinary skill would recognize that the target is part of a relatively small and mobile remote unit that can be relatively easily provided with a pitch, yaw, and roll.

In view of the above, Wiklund falls well short of suggesting all the features of the claimed invention recited in claim 15. Applicants therefore respectfully request that the rejection of claims 15 under 35 U.S.C. § 103 (a) as being unpatentable over be removed. Accordingly, after entry of this Amendment, claim 15 should be allowable. In addition, the dependent claims 16-21 should also be in condition for allowance due at least to their dependency from an allowable claim.

Newly added claims 45-57 recite aspects of this invention that are clearly supported by the disclosure, believed to add any new subject matter, and patentably distinct over the prior art of record. Accordingly, claims 45-57 should also be allowable.

Serial No.: 10/646,745  
Art Unit: 2877

Attorney Docket No.: 508547-0000003

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

PILLSBURY WINTHROP SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, VA 22102  
Tel: 703/770-7900

Respectfully submitted,



Date: April 11, 2006

By:

Poh C. Chua

Registration No. 44,615

Attachments:

PCC/RAR/pj

Customer No. 00909